Brianna Portillo

IN THE DISTRICT COURT OF BREWSTER COUNTY, TEXAS ____TH JUDICIAL DISTRICT

Maribel Glass,	§	
	§	
	§	
Plaintiff,	§	
	§	CAUSE NO.
	§	
Sul Ross State University,	§	
Pete Pena. Gallego,	§	
Board of Regents - Texas State	§	
University System,	§	
Karlin DeVoll,	§	
Brandy Snyder,	§	
Kara O'Shaugnessy	§	
Defendants.	§	

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Maribel Glass, by and through counsel, herby complains and alleges against the above-names Defendant, based upon knowledge, information, and reasonable belief derived therefrom, as follows:

A. DISCOVERY CONTROL PLAN

1. Plaintiff intends to conduct discovery under Level 3 pursuant Tex. R. Civ. P. 190.4.

B. JURISDICTION

- 2. The first cause of action is brought under Art. 1 of the Texas Constitution. Plaintiff is a citizen of Texas and is permitted to bring a private suit against a state agency seeking equitable relief for a violation of Art. 1 of the Texas Constitution.
- 3. The third cause of action is brought under Title IX of the Education Amendments of 1972. State courts have concurrent jurisdiction with Federal courts enforcing claims arising under Title IX.

C. VENUE

4. Venue in El Paso County is proper pursuant Tex. Civ. Prac. and Remedies Code § 15.002.

5. Venue in El Paso County is proper pursuant Tex. Civ. Prac. and Remedies Code § 65.023.

D. PARTIES

- 6. Defendant, Sul Ross State University is an agency of the State of Texas and an institution of higher education. Sul Ross State University may be served through its President of the University, at 79830 US-90 Alpine, Texas 79830.
- 7. Defendant Pete Pena Gallego is an adult individual who at all relevant times was the President of Sul Ross University. He may be served at his place of business, at 79830 US-90 Alpine, Texas 79830.
- 8. Defendant Board of Regents Texas State University System, is the organization responsible for policy making and governance of Sul Ross State University. Board of Regents Texas State University System may be served through its Office of General Counsel, at 79830 US-90 Alpine, Texas 79830.
- 9. Defendant Karlin DeVoll is an adult individual who at all relevant times was the Title IX Coordinator for Sul Ross University. She may be served at her place of business, at 79830 US-90 Alpine, Texas 79830
- 10. Defendant Brandy Snyder is an adult individual who at all relevant times was the Dean of Students at Sul Ross University. She may be served at her place of business, at 79830 US-90 Alpine, Texas 79830.
- 11. Defendant Kara O'Shaughnessy is an adult individual who is employed at Sul Ross University. She may be served at her place of business at 79830 US-90 Alpine, Texas 79830.

E. FACTS

- 12. On July16, 2020 Sul Ross University received a complaint from Plaintiff, which included allegations of violations under Title IX, relating to exploitation and sexual harassment by Professor Ryan O'Shaughnessy.
- On July 21, 2020 a notice of final outcomes was made, finding that Ryan O'Shaughnessy had violated the TSUS Sexual Misconduct Policy.
- 14. When the notice of final outcomes was made, it was only recommended that no communication between bet had between the Plaintiff and Ryan O'Shaughnessy.
- 15. Due to the trauma stemming from the sexual exploitation, sexual harassment. manipulation and deceit through the abuse of power; Plaintiff had to attend professional counseling.
- 16. During these counseling sessions it was urged that the Plaintiff seek closure for herself

- through a letter in order to reclaim her own path forward.
- 17. On October 25, 2020, Plaintiff wrote and sent a closure letter to Ryan O'Shaughnessy.
- 18. Sul Ross State University and Kara O'Shaughnessy retaliated against the Plaintiff by having Campus Police issue a trespass warning along with a harassment and stalking warnings on November 10, 2020.

F. FIRST CAUES OF ACTION: VIOLATION OF THE TEXAS CONSITUTION ART I. BILL OF RIGTHS; §19. DUE COURSE OF LAW

- 19. Plaintiff re-alleges paragraphs 1-19 as if fully set forth herein.
- 20. The Texas Constitution's due course of law guarantee provides that:
 - No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due court of law of the land.
- 21. Students have a protected liberty interest in public education, and therefore cannot be deprived of that protected liberty interest without due course of law.
- 22. The terms "due course of law" and "due process of law" are without meaningful distinction. Therefore, matters of procedural due process under Texas Law typically follow federal due process interpretations.
- 23. Violations of the Texas Bill of Rights are enforceable through an implied private right of action against a state agency when seeking equitable relief.
- 24. As a result of of the impending hearing where the Plaintiff has no realist way to prevail, the Plaintiff is imminently likely to be irreparably harmed through suspension or expulsion.
- 25. There is no legal remedy for the harm that Plaintiff lost when suspended or expelled from campus without a hearing through unlawful procedures, citing the Plaintiff with a criminal trespass along with harassment and stalking warnings. The effect on the Plaintiff is far reaching and significant, affecting the Plaintiff's ultimate career options, earning potential, and community prestige in incalculable and negative ways.
- 26. Sul Ross State University's policy for not conducting hearings and retaliating against the Plaintiff is unconstitutional because the lack of hearing procedures failed to give the Plaintiff a meaningful opportunity to be heard at the time of need.
- 27. "Where important decisions turn on questions of fact, due process requires an opportunity

- to confront and cross-examine adverse witnesses."1
- 28. Sul Ross State University's lack of a hearing procedure specifically prevented Plaintiff from having the opportunity to confront and cross-examine the Complainant.
- 29. As a result of the forgoing, Plaintiff is entitled to damages in an amount to be determined at trial, plus prejudgment interest, attorneys' fees, costs, and disbursements.

G. TITLE IX RETALIATION

- 30. Plaintiff re-alleges paragraphs 1-19 as if fully set forth herein.
- 31. Title IX's regulations incorporate by reference the retaliation provision of Title IV of the Civil Rights Act of 1964.
- 32. Title IX makes it unlawful to retaliate against individuals.
- 33. Plaintiff made a complaint to Sul Ross State University under Title IX and was retaliated against by the University.
- 34. Plaintiff had the right to fulfill her role as a student under Title IX but was denied that right.
- 35. Plaintiff had the right to file a complaint under Title IX without fear of retaliation, but she was denied that right.
- 36. Plaintiff had the right to participate freely and honestly in any Title IX investigation without fear of reprisal, intimidation, or coercion, but she was denied this right.
- 37. Plaintiff had the right to challenge practices at Sul Ross State University that included sexual harassment and abuse of power but was denied that right.
- 38. Plaintiff was protected from retaliation pursuant to Title IX regulations that "incorporate the requirement in the Title VI regulations, which provides that '[n]o recipient or other

¹ Goldberg v. Kelly, 397 U.S. 254, 269 (1970)

person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by [Title VI], or because he [or she] has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this subpart." 34 C.F.R. § 106.71 (incorporating the retaliation language of the regulations under Title VI); 34 C.F.R § 100.7(e).

- 39. Plaintiff would not have been retaliated against if she not made protected complaints to Sul Ross State University, The Title XI administration.
- 40. By retaliating against Plaintiff's complaints regarding Title IX, and by punishing Plaintiff for her complaint, Sul Ross State University institutionalized sex-based discrimination in direct violation of Title IC and its applicable federal regulations and guidance.
- 41. Sul Ross State University's policy and practices set by the Board of Regents Texas State for diverting Title IX complaints, investigations have institutionalized a system by which female victims of sexual exploitation and harassment are not provided equal educational opportunities on campus which violates Title IX.
- 42. By retaliating and undermining the Plaintiff's Title IX complaint, the male perpetrator of sexual exploitation and harassment has been given disproportionate protections in the Title IX investigation and outcome process.
- 43. As a result of the forgoing, Plaintiff is entitled to damages in an amount to be determined at trial, plus prejudgment interest, attorneys' fees, costs, and disbursements, and mental anguish.

G. CLAIMS FOR RELIEF

- 44. Plaintiff asks the court to enter a declaratory judgment that the Defendants investigative and/or hearing practices and polices either comply or do not comply with the law after resolution of the factual and legal issues described herein and/or presented by this controversy.
- 45. Plaintiff ask the court to award \$850,000 in damages.

H. PRAYER FOR RELIEF

WHEREFORE, for the forgoing reasons, Plaintiff demands judgment against the Defendant as follows:

- Defendants be immediately enjoined from conducting any hearings that would vilate the Texas Constitution for reasons described herein.
- 2. Plaintiff be awarded reasonable and necessary attorney's fees and costs of court at trial and in any appeals.
- 3. Plaintiff be awarded prejudgment and post-judgment interest at the maximum rate allowed by law.
- 4. Plaintiff be awarded damages for mental anguish suffered.
- 5. Plaintiff be awarded such other and further relief at law or in equity to with the Plaintiff may be entitled.

Respectfully submitted,

Benjamin Law Firm Attorney for Defendant Tex. Bar No. 24048167 609 Myrtle Ave., Suite B El Paso, Texas 79901 Tel: 915-412-5858

Fax: 915-503-2224

BY: /s/BrockBenjamin
BROCK BENJAMIN
Attorney for Plaintiff
Tex. Bar No. 24048167
brock@brockmorganbenjamin.com

BY: /s/Leonel Nunez, Jr.

LEONEL NUNEZ, JR.

Attorney for Plaintiff
Tex. Bar No. 24104056

leonel@brockmorganbenjamin.com

Brewster County District Clerk SARAH FELLOW MARTINEZ P.O. BOX 1024 ALPINE, TX 79831

THE STATE OF TEXAS



REGULAR CITATION

Greetings, BRANDY SNYDER US-90 ALPINE, TEXAS 79830

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taking against you." In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at Texas Law Help.org.

You are hereby commanded to appear by filing a written answer to the PLANTIFFS ORIGINAL PETITION at or before ten o'clock a.m. of the Monday next after the expiration of twenty (20) days after the date of service of this citation before the Honorable 394TH JUDICIAL DISTRICT COURT of BREWSTER County, Texas. Said petition was filed on JANUARY 20TH, 2022 in this case, number CVB22010 on the docket of said Court, and styled,

MARIBEL GLASS

VS:

SUL ROSS STATE UNIVERSITY, PETE GALLEGOS, BOARD OF REGENTS, KARLIN DEVOLL, BRANY SNYDER, KARA O"SHAUGHNESSY

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Petition accompanying this citation and made a part_PLAINTIFFS ORIGINAL PETITION

The officer executing this writ shall promptly serve the according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at ALPINE, Texas this 2ND day of FEBRUARY, 2022.

SARAM FELLOWS MARTINEZ Distrect Clerk

BREWSTER County, Texas

Deputy

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Brewster County District Clerk SARAH FELLOW MARTINEZ P.O. BOX 1024 ALPINE, TX 79831

THE STATE OF TEXAS



REGULAR CITATION

Greetings,
BOARD OF REGENTS- TEXAS STATE UNIVERSITY SYSTEM
OFFICE OF GENERAL COUNSEL
US-90
ALPINE, TEXAS 79830

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition; a default judgment may be taking against you." In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at Texas Law Help.org.

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MARIBEL GLASS

SUL ROSS STATE UNIVERSITY, PETE GALLEGOS, BOARD OF REGENTS, KARLIN DEVOLL, BRANY SNYDER, KARA O"SHAUGHNESSY

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The officer executing this writ shall promptly serve the according to requirements of law, and the mandates thereof; and make due return as the law directs.

Issued and given under my hand and seal of said Court at ALPINE, Texas this 2ND day of FEBRUARY, 2022.

ARAH TELYOWS MARTINEZ, District Clerk
394TH JUDICIAL DISTRICT COURT

BREWSTER County, Texas

Deputy

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Brewster County District Clerk SARAH FELLOW MARTINEZ P.O. BOX 1024 ALPINE, TX 79831

THE STATE OF TEXAS



REGULAR CITATION

Greetings,
PETE GALLEGO
US-90
ALPINE, TEXAS 79830

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taking against you." In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

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MARIBEL GLASS

VS

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Issued and given under my hand and seal of said Court at ALPINE, Texas this 2ND day of FEBRUARY, 2022.

SARAH FELIOWS MARTINEZ Discret Clerk

394TH JUDICIAL DISTRICT COURT BREWSTER County, Texas

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Brewster County District Clerk SARAH FELLOW MARTINEZ P.O. BOX 1024 ALPINE, TX 79831

THE STATE OF TEXAS



REGULAR CITATION

Greetings, SUL ROSS STATE UNIVERSITY PRESIDENT PETE GALLEGO US-90 ALPINE, TEXAS 79830

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taking against you." In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

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MARIBEL GLASS

SUL ROSS STATE UNIVERSITY, PETE GALLEGOS, BOARD OF REGENTS, KARLIN DEVOLL, BRANY SNYDER, KARAO"SHAUGHNESSY

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and made a part <u>PLAINTIFFS ORIGINAL PETITION</u>

The officer executing this writ shall promptly serve the according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at ALPINE, Texas this 2ND day of FEBRUARY, 2022.

SARAH FELIJOWS MARTINEZ Dispict Clerk

394TH JUDICIAL DISTRICT COURT

BREWSTER County, Texas

Deputy

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Brewster County District Clerk SARAH FELLOW MARTINEZ P.O. BOX 1024 ALPINE, TX 79831

THE STATE OF TEXAS



REGULAR CITATION

Greetings, KARLIN DEVOLL US-90 ALPINE, TEXAS 79830

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MARIBEL GLASS

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SARAH FELLOWS MARTINEZ Dispitch Clerk

394TH JUDICIAL DISTRICT COURT

S BREWSTER County, Texas

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Brewster County District Clerk SARAH FELLOW MARTINEZ P.O. BOX 1024 ALPINE, TX 79831

THE STATE OF TEXAS



REGULAR CITATION

Greetings, KARA O'SHAUGHNESSY US-90 ALPINE, TEXAS 79830

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taking against you." In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at Texas Law Help. org.

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MARIBEL GLASS

vs h

SUL ROSS STATE UNIVERSITY, PETE GALLEGOS, BOARD OF REGENTS, KARLIN DEVOLL, BRANY SNYDER, KARA O"SHAUGHNESSY

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Issued and given under my hand and seal of said Court at ALPINE, Texas this 2ND day of FEBRUARY, 2022.

ARAHDUALE WELLOW RETAINED DISTRICT COURT

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	 ,				,Sheriff
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				State of	
				Ву	, Deputy
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				State of	
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BREWSTER COUNTY SHERIFF'S OFFICE CIVIL PROCESS SERVICE LOG

Respondent Name: KARA D'SHAUGHNESSY Docket #
Date Came to Hand: 3-3-22
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Deputy Name & No.	Date Attempted	Time Attempted	Notes
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Brewster County District Clerk SARAH FELLOW MARTINEZ P.O. BOX 1024 ALPINE, TX 79831

THE STATE OF TEXAS



REGULAR CITATION

Greetings, KARA O'SHAUGHNESSY US-90 ALPINE, TEXAS 79830

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taking against you." In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at Texas Law Help.org.

You are hereby commanded to appear by filing a written answer to the PLAINTIFFS ORIGINAL PETITION at or before ten o'clock a.m. of the Monday next after the expiration of twenty (20) days after the date of service of this citation before the Honorable 394TH JUDICIAD DISTRICT COURT of BREWSTER County; Fexas: Said petition was filed on JANUARY 20TH, 2022 in this case, number CVB22010 on the docket of said Court, and styled.

MARIBEL GLASS

SUL ROSS STATE UNIVERSITY, PETE GALLEGOS, BOARD OF REGENTS, KARLIN DEVOLL, BRANY SNYDER, KARA O"SHAUGHNESSY

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Petition accompanying this citation and made a part PLAINTIFFS ORIGINAL PETITION

and made a part PLAINTIFFS ORIGINAL PETITION.

The officer executing this writ shall promptly serve the according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at ALPINE, Texas this 2ND day of FEBRUARY, 2022.

SARAHDUALE WARREN FOR histrict Clerk
394TH JUDICIAL PISTRICS COURT

BREWSTER County, Texa

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Deputy

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Came to hand on the day of	NUTCh , 2022, at o'clock O.n 555 o'clock Om., at 238 Sevice nty, 72×35 by delivering to each	n., and executed on	the	
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Brianna Firtil

Brewster County District Clerk SARAH FELLOW MARTINEZ P.O. BOX 1024 ALPINE, TX 79831

THE STATE OF TEXAS



REGULAR CITATION

Greetings, KARLIN DEVOLL US-90 ALPINE, TEXAS 79830

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taking against you." In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after your answer with the clerk. Find out more at TexasLawHelp.org.

You are hereby commanded to appear by filing a written answer to the <u>PEAINTIFFS ORIGINAL PETITION</u> at or before ten o'clock a.m. of the Monday next after the expiration of twenty (20) days after the date of service of this citation before the Honorable 394TH JUDICIAL DISTRICT COURT of BREWSTER County, Texas Said petition was filed on JANUARY 20TH, 2022 in this case, number CVB22010 on the docket of said Court, and styled, 2015

MARIBEL GLASS

VS

SUL ROSS STATE UNIVERSITY, PETE GALLEGOS, BOARD OF REGENTS, KARLIN DEVOLL, BRANY SNYDER, KARA-O"SHAUGHNESSY

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Petition accompanying this citation and made a part PLAINTIFFS ORIGINAL PETITION

The officer executing this writ shall promptly serve the according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at ALPINE, Texas this 2ND day of FEBRUARY, 2022:

SARAH FELLOWS MARTINEZ Distric Clerk

BREWSTEX Compry, Texas

Deputy

Came to hand on the day of March, 2022, at do o'clock of m., at 400 N in 12205748 County, YESS by delivering	ack D m. and executed on the
1 Eday of MACCA , 2022 at 3:32 o'clock & m., at 400 N	Hutherson.
in Ferusyes County, TERMS by delivering	to each of the within-named defendant(s), in person.
a true copy of this Citation, together with the accompanying copy PLA	INTIFFS ORIGINAL PETITION having first endorsed
thereon the date of delivery, together with the accompanying times and	places to wit:
Name Day/Month/Year Hour/Minute Place, Course, and	Distance from Court House
Not executed for the following reasons:	
Information received as to the whereabouts of the said defendant(s) be	ing
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	County,
•	State of
	By,Deputy
1	

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 63089481

Status as of 3/30/2022 3:28 PM CST

Associated Case Party: Maribel Glass

Name	BarNumber	Email	TimestampSubmitted	Status
Brock Benjamin		brock@brockmorganbenjamin.com	3/30/2022 10:43:16 AM	SENT
Leonel Nunez		leonel@brockmorganbenjamin.com	3/30/2022 10:43:16 AM	ERROR

Brianna Flortill

Brewster County District Clerk SARAH FELLOW MARTINEZ P.O. BOX 1024 ALPINE, TX 79831

THE STATE OF TEXAS



REGULAR CITATION

Greetings, PETE GALLEGO US-90 ALPINE, TEXAS 79830

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default-judgment may be taking against you." In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

You are hereby commanded to appear by filing a written answer to the <u>PLAINTIFFS ORIGINAL PETITION</u> at or before ten o'clock a.m. of the Monday next after the expiration of twenty (20) days after the date of service of this citation before the Honorable 394TH JUDICIAL DISTRICT COURT of BREWSTER County, Texas: Said petition was filed on JANUARY 20TH, 2022 in this case, number CVB22010 on the docket of said Court, and styled.

MARIBEL GLASS

. 49

SUL ROSS STATE UNIVERSITY, PETE GALLEGOS, BOARD OF REGENTS, KARLIN DEVOLL, BRANY SNYDER,
KARA O"SHAUGHNESSY

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Petition accompanying this citation and made a part PLAINTIFFS ORIGINAL PETITION

The officer executing this writ shall promptly serve the according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at ALPINE, Texas this 2ND day of FEBRUARY, 2022.

SARAH FELLIOWS MARTINEZ District Clerk
394th JUDICIAL DISTRICT COURT

BREWSTER Coppy, Texas

Deputy

Came to hand on the 3 day of Myrch , 2022, at 2 day of MARCH , 2022 at F. 45 o'clock Om., at 400 in Black County, Text by delivery	Polack P.m., and executed on the
K day of MARCH . 2022 at FUE o'clock Om. at Uco	H Plane ison
in REGASTER County, TEXAS by deliver	ing to each of the within-named defendant(s), in person
a true copy of this Citation, together with the accompanying copy	PLAINTIFFS ORIGINAL PETITION having first endorsed
thereon the date of delivery, together with the accompanying times	and places to wit:
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Information received as to the whereabouts of the said defendant(s) being
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I actually and necessarily traveled miles in the service traveled in the service of other process in the same case du	
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do hereby certify that I delivered to	, on theday of
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	,Sheriff
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Automated Certificate of eService

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Envelope ID: 63089481

Status as of 3/30/2022 3:28 PM CST

Associated Case Party: Maribel Glass

Name	BarNumber	Email	TimestampSubmitted	Status
Brock Benjamin		brock@brockmorganbenjamin.com	3/30/2022 10:43:16 AM	SENT
Leonel Nunez		leonel@brockmorganbenjamin.com	3/30/2022 10:43:16 AM	ERROR

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Brewster County District Clerk SARAH FELLOW MARTINEZ P.O. BOX 1024 ALPINE, TX 79831

THE STATE OF TEXAS

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REGULAR CITATION

Greetings, BRANDY SNYDER US-90 ALPINE, TEXAS 79830

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taking against you." In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at Texas Law Help.org.

You are hereby commanded to appear by filing a written answer to the PLAINTIFFS ORIGINAL PETITION at or before ten o'clock a.m. of the Monday next after the expiration of twenty (20) days after the date of service of this citation before the Honorable 394TH JUDICIAL DISTRICT COUR Tof BREWSTER County, Texas. Said petition was filed on JANUARY 20TH, 2022 in this case, number CVB22010 on the docket of said Court, and styled,

MARIBEL GLASS

SUL ROSS STATE UNIVERSITY, PETE GALLEGOS, BOARD OF REGENTS, KARLIN DEVOLL, BRANY SNYDER, KARAO"SHAUGHNESSY

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Petition accompanying this citation and made a part PLAINTIFFS ORIGINAL PETITION.

The officer executing this writ shall promptly serve the according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at ALPINE, Texas this 2ND day of FEBRUARY, 2022.

SARAM FELLOWS MARTINEZ Disting Clerk

BREWSTER County, Texas

Deputy

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in BRANTER County, TEXAS by delivering to each	of the within-named defendant(s) in person
a true copy of this Citation, together with the accompanying copy PLAINTIF	FS ORIGINAL PETITION having first endorsed
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	State ofCounty,
	By,Deputy

Automated Certificate of eService

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Envelope ID: 63089481

Status as of 3/30/2022 3:28 PM CST

Associated Case Party: Maribel Glass

Name	BarNumber	Email	TimestampSubmitted	Status
Brock Benjamin		brock@brockmorganbenjamin.com	3/30/2022 10:43:16 AM	SENT
Leonel Nunez		leonel@brockmorganbenjamin.com	3/30/2022 10:43:16 AM	ERROR

a euniv. Lexas Brianna Pi**k**tillo

Brewster County District Clerk SARAH FELLOW MARTINEZ P.O. BOX 1024 ALPINE, TX 79831

THE STATE OF TEXAS



REGULAR CITATION

Greetings, SUL ROSS STATE UNIVERSITY PRESIDENT PETE GALLEGO US-90 ALPINE, TEXAS 79830

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney depoint of twenty do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taking against you." In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Kind out more at Texas Law Help.org.

You are hereby commanded to appear by filing a written answer to the <u>PLAINTIFFS ORIGINAL PETITION</u> at or before ten o'clock a.m. of the Monday next after the expiration of wenty (20) days after the date of service of this citation before the Honorable 394TH JUDICIAL DISTRICT COURT of BREWSTER County, Texas Said petition was filed on JANUARY 20TH, 2022 in this case, number CVB22010 on the docket of said Court, and styled.

MARIBEL GLASS

ʻvs∵

SUL ROSS STATE UNIVERSITY, PETE GALLEGOS, BOARD OF REGENTS, KARLIN DEVOLL, BRANY SNYDER, KARA O"SHAUGHNESSY

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Petition accompanying this citation and made a part PLAINTIFFS ORIGINAL PETITION

The officer executing this writ shall promptly serve the according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at ALPINE, Texas this 2ND day of FEBRUARY, 2022.

SABAL FELLOWS MARTINEZ Dispire Clerk

394TH JUDICIAL DISTRICT COURT

BREWSTER County, Texas

Deputy

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Automated Certificate of eService

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Envelope ID: 63089481

Status as of 3/30/2022 3:28 PM CST

Associated Case Party: Maribel Glass

Name	BarNumber	Email	TimestampSubmitted	Status
Brock Benjamin		brock@brockmorganbenjamin.com	3/30/2022 10:43:16 AM	SENT
Leonel Nunez		leonel@brockmorganbenjamin.com	3/30/2022 10:43:16 AM	ERROR

CAUSE NO. CVB22010

MARIBEL GLASS, <i>Plaintiff</i> ,	§ §	IN THE DISTRICT COURT OF
v. SUL ROSS STATE UNIVERSITY, PETE GALLEGO, BOARD OF REGENTS - TEXAS STATE UNIVERSITY SYSTEM, KARLIN DEVOLL, BRANDY SNYDER, KARA O'SHAUGHNESSY Defendants.		BREWSTER COUNTY, TEXAS
	2)	394TH JUDICIAL DISTRICT

DEFENDANTS' ORIGINAL ANSWER AND DEFENSES TO PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE COURT:

NOW COME Defendants Pete Gallego, Karlin Devoll, Brandy Snyder, and Kara O'Shaughnessy (the Individual Defendants), and file this Original Answer and Defenses to Plaintiff's Original Petition. The Individual Defendants respectfully show the Court the following:

I. ANSWER

The Individual Defendants hereby deny each and every allegation contained in Plaintiff's Original Petition and demand strict proof thereof.

II. DEFENSES

The Individual Defendants assert the following defenses and reserve the right to timely amend their answer to include such additional defenses throughout the course of this lawsuit:

- 1. The Plaintiff lacks standing to bring this suit against the Individual Defendants.
- 2. The Plaintiff fails to state a claim for which relief may be granted against the Individual Defendants.

3. The Individual Defendants assert the defenses of sovereign immunity from suit and

sovereign immunity from liability for all claims to which these defenses apply.

4. The Individual Defendants assert the defenses of official immunity from suit and official

immunity from liability for all claims to which these defenses apply.

5. The Individual Defendants assert that there were legitimate, non-retaliatory reasons for

any conduct alleged in Plaintiff's Original Petition.

6. The Individual Defendants assert any and all applicable limitations on damages that may

apply to this suit and the Plaintiff's claims for damages.

7. The Individual Defendants assert that Plaintiff's own acts and/or omissions caused or

contributed to her injuries, if any.

8. The Individual Defendants assert that Plaintiff has failed to mitigate her damages, if any.

9. To the extent that Plaintiff's claims or filings occurred outside of the limitations period

stated under the applicable provisions of law, Plaintiff's claims are barred by the applicable

statute of limitations.

III. PRAYER

The Individual Defendants pray that Plaintiff take nothing by her suit, and that all costs be

taxed and adjudged against Plaintiff, and that the Individual Defendants be granted such other and

further relief to which they justly may be entitled.

DATED: April 7, 2022.

Respectfully submitted.

KEN PAXTON

Attorney General of Texas

BRENT WEBSTER

First Assistant Attorney General

2

GRANT DORFMAN
Deputy First Assistant Attorney General

SHAWN E. COWLES
Deputy Attorney General for Civil Litigation

CHRISTOPHER D. HILTON Chief, General Litigation Division

JOHN RAMSEY
Assistant Attorney General
Texas Bar No. 24051227
General Litigation Division

Office of the Attorney General P.O. Box 12548, Capitol Station Austin, Texas 78711-2548 (512) 463-2120/Fax (512) 320-0667 john.ramsey@oag.texas.gov

COUNSEL FOR THE INDIVIDUAL DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2022, a true and correct copy of the foregoing instrument has been served in accordance with Tex. R. Civ. P. 21a via the Court's electronic filing manager to:

Brock Benjamin
Leonel Nunez, Jr.
Benjamin Law Firm
609 Myrtle Ave., Suite B
El Paso, Texas 79901
brock@brockmorganbenjamin.com
leonel@brockmorganbenjamin.com

Counsel for Plaintiff

Assistant Attorney General

Automated Certificate of eService

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Patricia Cordes on behalf of John Ramsey Bar No. 24051227 patricia.cordes@oag.texas.gov Envelope ID: 63367798

Status as of 4/7/2022 4:26 PM CST

Associated Case Party: Maribel Glass

Name	BarNumber	Email	TimestampSubmitted	Status
Brock Benjamin		brock@brockmorganbenjamin.com	4/7/2022 1:57:33 PM	SENT
Leonel Nunez		leonel@brockmorganbenjamin.com	4/7/2022 1:57:33 PM	ERROR

Associated Case Party: Kara O'Shaughnessy

Name	BarNumber	Email	TimestampSubmitted	Status
John Ramsey		John.Ramsey@oag.texas.gov	4/7/2022 1:57:33 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Patricia Cordes		patricia.cordes@oag.texas.gov	4/7/2022 1:57:33 PM	SENT

CAUSE NO. CVB22010

MARIBEL GLASS, <i>Plaintiff</i> ,	§ §	IN THE DISTRICT COURT OF
v. SUL ROSS STATE UNIVERSITY, PETE GALLEGO, BOARD OF REGENTS - TEXAS STATE UNIVERSITY SYSTEM, KARLIN DEVOLL, BRANDY SNYDER, KARA O'SHAUGHNESSY Defendants.		BREWSTER COUNTY, TEXAS
	Ŋ	394TH JUDICIAL DISTRICT

DEFENDANT BOARD OF REGENTS – TEXAS STATE UNIVERSITY SYSTEM'S ORIGINAL ANSWER AND DEFENSES TO PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE COURT:

NOW COMES Defendant Board of Regents – Texas State University System (the Board of Regents), and files this Original Answer and Defenses to Plaintiff's Original Petition. The Board of Regents respectfully shows the Court the following:

I. ANSWER

The Board of Regents hereby denies each and every allegation contained in Plaintiff's Original Petition and demands strict proof thereof.

II. DEFENSES

The Board of Regents asserts the following defenses and reserves the right to timely amend its answer to include such additional defenses throughout the course of this lawsuit:

- 1. The Plaintiff lacks standing to bring this suit against the Board of Regents.
- The Plaintiff fails to state a claim for which relief may be granted against the Board of Regents.

3. The Board of Regents asserts the defenses of sovereign immunity from suit and sovereign

immunity from liability for all claims to which these defenses apply.

4. The Board of Regents asserts that there were legitimate, non-retaliatory reasons for any

conduct alleged in Plaintiff's Original Petition.

5. The Board of Regents asserts any and all applicable limitations on damages that may apply

to this suit and the Plaintiff's claims for damages.

6. The Board of Regents asserts that Plaintiff's own acts and/or omissions caused or

contributed to her injuries, if any.

7. The Board of Regents asserts that Plaintiff has failed to mitigate her damages, if any.

8. To the extent that Plaintiff's claims or filings occurred outside of the limitations period

stated under the applicable provisions of law, Plaintiff's claims are barred by the applicable

statute of limitations.

III. PRAYER

The Board of Regents prays that Plaintiff take nothing by her suit, and that all costs be taxed

and adjudged against Plaintiff, and that the Board of Regents be granted such other and further relief

to which it justly may be entitled.

DATED: April 13, 2022.

Respectfully submitted.

KEN PAXTON

Attorney General of Texas

BRENT WEBSTER

First Assistant Attorney General

GRANT DORFMAN

Deputy First Assistant Attorney General

SHAWN E. COWLES

Deputy Attorney General for Civil Litigation

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CHRISTOPHER D. HILTON Chief, General Litigation Division

JOHN RAMSEY
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Office of the Attorney General P.O. Box 12548, Capitol Station Austin, Texas 78711-2548 (512) 463-2120/Fax (512) 320-0667 john.ramsey@oag.texas.gov

COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2022, a true and correct copy of the foregoing instrument has been served in accordance with Tex. R. Civ. P. 21a via the Court's electronic filing manager to:

Brock Benjamin
Leonel Nunez, Jr.
Benjamin Law Firm
609 Myrtle Ave., Suite B
El Paso, Texas 79901
brock@brockmorganbenjamin.com
leonel@brockmorganbenjamin.com

Counsel for Plaintiff

JOHN RAMSEY
Assistant Attorney General

3

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Patricia Cordes on behalf of John Ramsey Bar No. 24051227 patricia.cordes@oag.texas.gov Envelope ID: 63523762

Status as of 4/13/2022 10:55 AM CST

Case Contacts

NameBarNumberEmailTimestampSubmittedStatusPatricia Cordespatricia.cordes@oag.texas.gov4/13/2022 9:11:10 AMSENT

Associated Case Party: Kara O'Shaughnessy

Name	BarNumber	Email	TimestampSubmitted	Status
John Ramsey		John.Ramsey@oag.texas.gov	4/13/2022 9:11:10 AM	SENT

Associated Case Party: Maribel Glass

Name	BarNumber	Email	TimestampSubmitted	Status
Leonel Nunez		leonel@brockmorganbenjamin.com	4/13/2022 9:11:10 AM	ERROR
Brock Benjamin		brock@brockmorganbenjamin.com	4/13/2022 9:11:10 AM	SENT

CAUSE NO. CVB22010

MARIBEL GLASS, Plaintiff,	§ §	IN THE DISTRICT COURT OF
v. SUL ROSS STATE UNIVERSITY, PETE GALLEGO, BOARD OF REGENTS - TEXAS STATE UNIVERSITY SYSTEM, KARLIN DEVOLL, BRANDY SNYDER, KARA O'SHAUGHNESSY Defendants.		BREWSTER COUNTY, TEXAS
	2	394TH JUDICIAL DISTRICT

DEFENDANT SUL ROSS STATE UNIVERSITY'S ORIGINAL ANSWER AND DEFENSES TO PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE COURT:

NOW COMES Defendant Sul Ross State University (the "University"), and files this Original Answer and Defenses to Plaintiff's Original Petition. The University respectfully shows the Court the following:

I. ANSWER

The University hereby denies each and every allegation contained in Plaintiff's Original Petition and demands strict proof thereof.

II. DEFENSES

The University asserts the following defenses and reserves the right to timely amend its answer to include such additional defenses throughout the course of this lawsuit:

- 1. The Plaintiff lacks standing to bring this suit against the University.
- 2. The Plaintiff fails to state a claim for which relief may be granted against the University.

3. The University asserts the defenses of sovereign immunity from suit and sovereign

immunity from liability for all claims to which these defenses apply.

4. The University asserts that there were legitimate, non-retaliatory reasons for any conduct

alleged in Plaintiff's Original Petition.

5. The University asserts any and all applicable limitations on damages that may apply to this

suit and the Plaintiff's claims for damages.

6. The University asserts that Plaintiff's own acts and/or omissions caused or contributed to

her injuries, if any.

7. The University asserts that Plaintiff has failed to mitigate her damages, if any.

8. To the extent that Plaintiff's claims or filings occurred outside of the limitations period

stated under the applicable provisions of law, Plaintiff's claims are barred by the applicable

statute of limitations.

III. PRAYER

The University prays that Plaintiff take nothing by her suit, and that all costs be taxed and

adjudged against Plaintiff, and that the University be granted such other and further relief to which it

justly may be entitled.

DATED: April 14, 2022.

Respectfully submitted.

KEN PAXTON

Attorney General of Texas

BRENT WEBSTER

First Assistant Attorney General

GRANT DORFMAN

Deputy First Assistant Attorney General

SHAWN E. COWLES

Deputy Attorney General for Civil Litigation

2

CHRISTOPHER D. HILTON Chief, General Litigation Division

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COUNSEL FOR DEFENDANT

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Counsel for Plaintiff

Assistant Attorney General

IOHN RAMSEY

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Patricia Cordes on behalf of John Ramsey Bar No. 24051227 patricia.cordes@oag.texas.gov Envelope ID: 63586140

Status as of 4/14/2022 2:46 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Patricia Cordes		patricia.cordes@oag.texas.gov	4/14/2022 1:31:17 PM	SENT

Associated Case Party: Kara O'Shaughnessy

Name	BarNumber	Email	TimestampSubmitted	Status
John Ramsey		John.Ramsey@oag.texas.gov	4/14/2022 1:31:17 PM	SENT

Associated Case Party: Maribel Glass

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Leonel Nunez		leonel@brockmorganbenjamin.com	4/14/2022 1:31:17 PM	ERROR
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